

DOCKET NO: 260501US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
NORBERT STEINER, ET AL. : EXAMINER: HRUSKOCI, PETER A.
SERIAL NO: 10/518,595 :
FILED: DECEMBER 21, 2004 : GROUP ART UNIT: 1724
FOR: ECOFRIENDLY CATIONIC :
POLYELECTROLYTES

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated February 5, 2007, Applicants elect, with traverse, Group I, Claims 1-10 and 14, for examination.

REMARKS/ARGUMENTS

The claims have been divided into groups as follows:

Group I: Claims 1-10 and 14, drawn to a polyelectrolyte.

Group II: Claims 11 and 12, drawn to a sludge dewatering method and a water purification method.

Group III: Claim 13, drawn to a papermaking method.

Applicants elect, with traverse, Group I, Claims 1-10 and 14, for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). Moreover, when citing lack of unity of invention, in a national stage application, the Examiner has the burden of explaining why each group lacks unity with

each other (MPEP §1893.03(d)), i.e. why there is no single general inventive concept. The presence of no single inventive concept must be specifically described.

The Examiner has indicated that the application contains a group of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2:

“a special technical feature which these claims share does not define a contribution over the prior art. For example, the claims of Groups I-III share polyelectrolyte as the special technical feature, which is considered to lack novelty or an inventive step in view of Barabas et al.”

Annex B of the Administrative Instructions under the PCT at (b) Technical Relationship states:

“The expression “special technical features” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).”

Applicants respectfully submit that the Examiner has not provided any indication that the contents of the claims interpreted in light of the description was considered in making the assertion of a lack of unity and therefore has not met the burden necessary to support the assertion.

Moreover, Applicants respectfully refer to Annex B of the Administrative Instructions Under the PCT, paragraph (c), which states in part, “Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims.” Claims 2-14 all depend from Claim 1 in this application.

Applicants submit that the Examiner has not carried the burden of providing reasons or examples specifically supporting a conclusion that the groups lack unity of invention nor has the dependency of claims 2-14 from claim 1 been considered under the guidelines of

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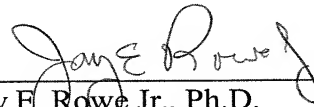
Annex B of the Administrative Instructions of the PCT. For these reasons, Applicants submit that the Requirement for Restriction should be withdrawn.

Applicants request that if the invention of Group I is allowed, non-elected claims which depend from the allowed claims be rejoined (MPEP §821.04).

Applicants submit that the above identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

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